

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 2:15-cr-20804

-vs-

HON. BERNARD A. FRIEDMAN

D-1 JOHN HAMILTON,

Defendant.

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**UNOPPOSED MOTION FOR EARLY TERMINATION OF SUPERVISED  
RELEASE**

Defendant John Hamilton respectfully requests that the Court terminate his supervised release under 18 U.S.C. § 3583(e)(1). In support of this Motion, Mr. Hamilton states as follows:

1. On May 11, 2018, Mr. Hamilton pled guilty to one count of conspiracy to interfere with commerce, in violation of 18 U.S.C. § 371. (Amendment Judgment, ECF No. 149 at 1.)

2. The Court incarcerated Mr. Hamilton for a total of twenty-four (24) months and imposed two (2) years of supervised released. (*Id.* at 2-3.) While imprisoned, Mr. Hamilton took various classes, including, but not limited to: (1) Nutrition/exercise/stress management; (2) Yoga; (3) RPP5 Unit Pre-Release; (4)

Resume writing; (5) RPP 3 basics of credit; (6) Writing business plans; (7) Legal rights; (8) Starting your own business; (9) Stocks and Commodities; (10) French 1; (11) French 2; (12) French 3; and (13) Beginning Guitar.

3. While on supervised release, Mr. Hamilton paid his full restitution balance on July 29, 2020, which is the date when the Clerk of Court formally received and cashed his check in the amount of \$121,759.35. Therefore, Mr. Hamilton has fully satisfied his restitution obligation. When his restitution was paid in full, the Court lifted Mr. Hamilton's credit restrictions. (Order, ECF No. 168.)

4. The Court may terminate a defendant's term of supervised release at any time after the expiration of one year if the Court is "satisfied that such action is warranted by conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). In deciding whether to terminate a term of supervised release, section 3583(e) directs the Court to consider the purposes of sentencing set forth in 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6) and (a)(7). *See United States v. Tarazi*, No.w 18-cr-20781, 2020 WL 3571726, at \*1 (E.D. Mich. July 1, 2020) (observing that federal courts "look[] to several factors borrowed from the sentencing factors set forth in 18 U.S.C. § 3553"). "Factors to be considered in granting early termination include, to the extent applicable in a particular case: (1) 'the nature and circumstances of the offense and the history and characteristics of the defendant'; (2) the need 'to afford adequate deterrence to

criminal conduct’; (3) the need ‘to protect the public from further crimes of the defendant’; (4) the need ‘to provide the defendant with needed education nor vocational training, medical care, or other correctional treatment’; (5) the kinds of sentence and sentencing range established by the United States Sentencing Commission for the applicable category of offense committed by the applicable category of defendant; (6) any pertinent policy statement issued by the United States Sentencing Commission; (7) ‘the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct’; and (8) ‘the need to provide restitution to any victims of the offense.’” *United States v. Smith*, No. 3:00-cr-00091, 2020 WL 4586183, at \*1 (M.D. Tenn. Aug. 10, 2020) (citing 18 U.S.C. §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), (a)(7))).

5. First, Mr. Hamilton will have served one (1) year of his supervised release on Sunday, January 3, 2021, meaning that he is eligible for the early termination of his supervised release on Monday, January 4, 2021.

6. Secondly, the factors weigh heavily in favor of terminating Mr. Hamilton’s supervised release. Prior to the instant offense, Mr. Hamilton did not have a criminal history or any prior criminal convictions. 18 U.S.C. § 3553(a)(1). Mr. Hamilton also accepted responsibility for his actions. *Id.* Further, Mr. Hamilton will have successfully been on supervised release for one (1) year, as of January 3,

2021, without having committed any violations. *Id.* He is thus deterred from committing additional crimes as a result of his incarceration and year on supervised release. *Id.* § 3553(a)(2)(B). Because Mr. Hamilton does not have a prior criminal history and has not violated any terms of his supervised release, protecting the public from further crime is minimal. *Id.* § 3553(a)(2)(C). Moreover, Mr. Hamilton is sixty-six (66) years old and was the only defendant in his case, making him an ideal candidate for termination. *Id.* § 3553(a)(2)(D), (a)(6). Lastly, Mr. Hamilton paid all of his restitution as of July 29, 2020. *Id.* § 3553(a)(7) According to his probation officer, he has satisfied all the conditions of his supervised release. Under the circumstances, these factors weigh in favor of terminating Mr. Hamilton's supervised release.

7. Both the U.S. Probation Office for the Middle District of Florida, which has authority over Mr. Hamilton's supervised release, and the U.S. Attorney's Office for the Eastern District of Michigan have informed undersigned counsel that they have no objection to an early termination and do not oppose this Motion.

WHEREFORE, Defendant Hamilton respectfully requests that the Court GRANT this Motion and ORDER the termination of his supervised release effective Monday, January 4, 2021.

Prior to filing this Motion, undersigned counsel conferred with Assistant United States Attorney Dawn N. Ison, who affirmed that the U.S. Attorney's Office

for the Eastern District of Michigan does not oppose it. Probation Officer Amy Hutto was contacted by undersigned counsel and confirmed via email that she does not oppose the Motion.

Respectfully submitted,

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Attorneys for  
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Dated: December 23, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of December, 2020, a copy of Defendant John Hamilton's Motion for Order Terminating Supervised Release was filed with the Clerk of the Court using the ECF system which will send notification of such filing to Assistant United States Attorneys David A. Gardey, Dawn N. Ison, and Jacqueline M. Hotz.

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